

Remarks

Reconsideration of this application is respectfully requested.

In the Final Official Action dated January 28, 2004, the Examiner rejected claims 1-4, 9-12, 14-19, 24-27, and 29-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0093792 to Labeeb et al., (hereinafter "Labeeb"). Furthermore, the Examiner rejects claims 5-8, 13, 20-23, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Labeeb.

In response to the Advisory Action transmitted by the Examiner, the Applicant respectfully submits that the present invention was conceived in the United States prior to the earliest effective filing date of the Labeeb reference, June 30, 2000. In support of Applicant's arguments, Declarations are being submitted under 37 C.F.R. §1.131 for antedating the Labeeb reference.

The Examiner argues that the previously submitted Declaration is defective because (1) the exhibit attached thereto failed "to establish conception of a complete invention, capable of proof, that could be reduced to practice without exercise of inventive skill"; and (2) the previously submitted declaration did not demonstrate diligence during the period prior to 6/30/2000 and the filing on 9/20/2000.

With regard to item (1) above, the Applicant respectfully submits a Declaration to support the assertion that the Applicant's invention was conceived prior to the earliest effective filing date of the Labeeb reference. The enclosed Declaration has been executed by an individual considered to be of ordinary skill in the applicable art and establishes that the previously submitted invention disclosure was sufficiently clear to

enable one skilled in the art to reduce the invention to practice without exercise of inventive skill.

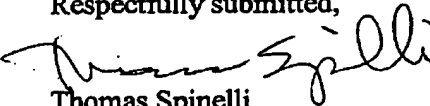
With regard to item (2) above, submitted herewith is a declaration from the attorney handling this matter demonstrating diligence during the period prior to 6/30/2000 until the filing on 9/20/2000.

Since the requirements under 37 CFR 1.131 have been met in the submitted Declarations, Applicant respectfully requests that the Declarations are sufficient to establish a conception prior to the earliest filing date of the Labeeb reference.

Accordingly, the Examiner is again respectfully requested to withdraw the rejections under 35 U.S.C. §§ 102(e) and 103(a) based on the Labeeb reference.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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Enclosures: (2 Executed Declarations Under 37 C.F.R. § 1.131)